



December 15, 2000

Mr. Miles K. Risley  
Senior Assistant City Attorney  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR2000-4712

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 142273.

The City of Victoria (the “city”) received three written requests for information in connection with the requestor’s arrest. You state that some responsive information has been released to the requestor, but contend that other requested information is excepted from disclosure pursuant to, among other exceptions, section 552.108 of the Government Code.<sup>1</sup>

You first contend that two requested items would require the city to conduct legal research or to answer factual questions: a request for a certain attorney general opinion and a request for “the name, address and phone number of the institution that gives the accredited status to the Victoria Police Department.” We agree that the Public Information Act does not require a governmental body to prepare answers to questions or to do legal research. *See* Open Records Decision Nos. 563 at 8 (1990) (considering request for federal and state laws and regulations), 555 at 1-2 (1990) (considering request for answers to fact questions).

On the other hand, a request for records made pursuant to the Public Information Act may not be disregarded simply because a citizen does not specify the exact documents he desires. A governmental body should make a good faith effort to advise the requestor of the type of

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<sup>1</sup>Because we resolve your request under section 552.108, we need not address the applicability of the other exceptions you raised.

documents available so that the requestor may narrow the request. *See* Open Records Decision No. 87 (1975). Consequently, if the city can identify records containing responsive information without conducting legal research, the city should release the responsive portions of those documents to the requestor.

You next contend that the remaining requested documents pertaining to the requestor's arrest are excepted from public disclosure pursuant to section 552.108 of the Government Code because "criminal litigation is now in progress in the Victoria Municipal Court in the offenses of operating a motor vehicle without a valid driver's license, operating a motor vehicle without valid registration, and driving without insurance." This office previously determined that these records were excepted from public disclosure under section 552.108(a)(1) because of a then pending criminal investigation. *See* Open Records Letter No. 2000-3995 (2000). Because you inform us that these records now relate to a pending criminal prosecution of this matter, we conclude that the city may continue to withhold these records pursuant to section 552.108(a)(1).<sup>2</sup>

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report

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<sup>2</sup>Although section 552.108(c) requires the release of "basic information about an arrested person, an arrest, or a crime," we assume this basic information was contained in the documents previously released to the requestor.

that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/RWP/seg

Ref: ID# 142273

Encl. Submitted documents

cc: Mr. Calvin Earl Kuykendall  
845 U.S. Hwy 77 South  
Victoria, Texas 77905  
(w/o enclosures)